

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on July 21, 2009. At the time the Examiner mailed the Office Action claims 47-61 were pending. By way of the present response the Applicant has: 1) amended claims 47, 52, 57 and 59; and, 2) not canceled or added any claims. As such claims 47-61 remain pending. The Applicant respectfully requests reconsideration of the instant application and the allowance of claims 47-61.

The Examiner has rejected independent claims 47, 52 and 57 under 25 U.S.C. 112 para. 2 as being indefinite. In particular, the Examiner indicated that the purpose of the "additional bytecode instructions" was unclear. In response, the Applicant has amended independent claims 47, 52 and 57 to recite that the additional bytecode instructions invoke the dispatcher. The Examiner also identified typographical errors that the Applicant has cured herewith.

The Examiner has also objected to claims 47-61 for their referral to a "class file" rather than a "class-file". The Applicant respectfully submits that there is no intended difference between the meanings of these terms and therefore no amendment is required.

The Examiner has also rejected independent claim 57 under 35 U.S.C. 101 as being directed to non patentable subject matter. In response the Applicant has accepted the Examiner's suggestion and has amended claim 57 to recite a "machine readable tangible storage medium". The Applicant respectfully requests the removal of the Examiner's rejection in view of this amendment.

The Examiner has requested the Applicant to capitalize the terms “Java”, “Enterprise Java Bean” and “EJB”. The Applicant has herewith amended the specification to comply with the Examiner’s request.

Finally, the Examiner has rejected the independent claims of the instant application under the doctrine of obvious type double patenting in view of the following applications:

Application No. 10/750,160;

Application No. 10,749,740;

Application No. 10,749,617;

U.S. Patent No. 7,426,723;

U.S. Patent No. 7,367,025.

The Applicant has herewith submitted appropriate terminal disclaimers to overcome the Examiner’s rejection. The terminal disclaimers are being submitted to advance the instant application to allowance. The submission of the terminal disclaimers should not be construed as an automatic admission that the Applicant agrees with the Examiner’s theory of rejection.

The Applicant respectfully submits that the independent claims of the present application are therefore allowable over the Boykin reference and respectfully requests

the allowance of the same.


CONCLUSION

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

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